

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANJANAI FLENOID, individually, and as)	
Plaintiff ad Litem on behalf of decedent)	
ANIKA FLENOID,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
ENVISION HOSPITAL CORPORATION,)	
d/b/a ST. ALEXIUS HOSPITAL,)	
SUCCESS HEALTHCARE, LLC, d/b/a)	
ST. ALEXIUS HOSPITAL,)	
ST. ALEXIUS HOSPITAL)	
CORPORATION #1,)	
ST. ALEXIUS EMERGENCY)	
PHYSICIANS, LLC.,)	
BETTY JEAN KERR - PEOPLE'S)	
HEALTH CENTER,)	
JOHN DOE, M.D. and)	
JANE DOE, M.D.)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant People's Health Centers, Inc. hereby gives notice pursuant to 28 U.S.C. §§ 1446(a) & 1442(a)(1), as well as 28 U.S.C. §2679(d)(2) and 42 U.S.C. §233(c), by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Nicholas P. Llewellyn, Assistant United States Attorney for said District, that it is removing this action to the United States District Court for the Eastern District of Missouri, Eastern Division, on the following grounds:

1. Defendant People's Health Centers, Inc. is a named defendant in a civil action now pending in the Circuit Court of the City of St. Louis, State of Missouri, Cause No. 1122-CC00192.
2. The action in state court against Defendant People's Health Centers, Inc. and others

is a civil Petition for medical malpractice alleging Defendant People's Health Centers, Inc. "failed to provide its agents, servants and employees the proper training regarding patient management; ... failed to provide its agents, servants and employees with proper supervision regarding patient management; ... failed to adequately monitor decedent Anika Flenoid; ... failed to properly diagnose the seriousness of decedent's condition; ... failed to properly recognize the cause of decedent's chest pain; ... failed to obtain multiple troponin levels in order to assess the health status of decedent; ... failed to timely treat decedent; ... negligently discharged decedent without providing decedent with the proper care, treatment and monitoring that her condition required." See Plaintiff's Petition, ¶

62. Plaintiff Anjanai Flenoid alleges the injuries decedent Anika Flenoid sustained are as follows:

"... decedent Anika Flenoid suffer[ed] mental and physical pain, anguish and emotional distress prior to her untimely and agonizing death on February 4, 2008. ... Plaintiff Anjanai Flenoid was forced to expend monies for funeral and burial expenses; ... Plaintiff Anika Flenoid has been forever deprived of decedent Anjanai Flenoid's services, consortium, companionship, comfort, instruction, guidance, counsel, training and support; ... Plaintiff Anjanai Flenoid has suffered great mental pain and anguish resulting from decedent's untimely death ..." See Plaintiff's Petition, ¶¶63-67.

4. Defendant People's Health Centers, Inc. was deemed eligible for Federal Torts Claim Act coverage on January 1, 2007. *Gov't Exh. A.* (Deeming Letters dated December 18, 2006, October 23, 2007, September 24, 2008, 2009, and September 23, 2010).

5. This Notice of Removal is brought pursuant to 28 U.S.C. § 1442(a)(1), 28 U.S.C. §2679(d)(2) and 42 U.S.C. §233(c). As set forth in 28 U.S.C. § 1442(a)(1), a civil action commenced in a state court against the United States or "any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an individual

capacity for any act under color of such office...”, may be removed “to the district court of the United States for the district and division embracing the place wherein it is pending.” 28 U.S.C. §2679(d)(2), as well as 42 U.S.C. §233(c), provides for removal from state court “at any time before trial.”

6. As required by 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders that have been served upon Defendant People’s Health Centers, Inc. are attached. In addition, Defendant has requested that the entire state court file, currently in the custody of the Circuit Clerk of the City of St. Louis be copied and sent to Federal District Court.

WHEREFORE, this action, now pending in the Circuit Court of the City of St. Louis, State of Missouri, is removed to this Court.

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Nicholas P. Llewellyn
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CERTIFICATE OF SERVICE

I certify that a copy of the *Notice of Removal* and *Notice of Filing of Notice of Removal* was filed electronically with the Clerk of the Court, and was sent via United States mail, postage prepaid, this 5th day of July, 2011 to:

Alan S. Mandel
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St. Louis, MO 63101
Attorney for Plaintiff

/s/ Nicholas P. Llewellyn
NICHOLAS P. LLEWELLYN